

# ON THE UNJUST NATURE OF ARTICLE 105

BY DONGHAISONG

The revision of China's Criminal Law in 1997 removed the problematic legality presented by "counterrevolutionary crimes." The state security laws that replaced them, however, are still "political laws" of questionable legality, which protect the ruling status quo at the expense of basic human rights.

Article 91 of China's Criminal Law, enacted in 1979, stipulated that counterrevolutionary crime consisted of "colluding with foreign states in plotting to harm the sovereignty, territorial integrity and security of the motherland." The concept of counterrevolutionary crime originated with the law of the former USSR, and China had similar laws under the Nationalist government. Since legal language was not used to define this crime, the Chinese government amended the Criminal Law in 1997 to replace counterrevolutionary crimes with state security crimes. Among the new laws, Article 105 relates to the crimes of "subversion of state power" and "incitement to subvert state power," henceforth referred to as "subversion."<sup>1</sup> The main difference between this law and the old one is in its designation of "overthrowing the socialist system" as a criminal act. This clause is routinely used by China's judicial organs to convict democracy activists. In the opinion of this writer, this clause is in its essence of dubious legality, and should be reviewed in depth by China's legislative organs and human rights organizations.

## The unjust nature of a law

The essence of laws relating to state security is to provide draconian protection of the interests of the ruling class of the existing government structure. According to the categories established by Montesquieu,<sup>2</sup> this kind of law, which applies to the relationship between government and subjects, is known as political law.

The crime of endangering state security is a double-edged sword that, in the course of protecting the country's political order, can easily result in the infringement of basic human rights.

Article 105 is the most obvious example of a political law that protects the interests of the privileged class. Political order is one of the primary objects of protection in the laws of any country, because when laws are drafted, the first consideration is to codify the existing relationship between the rulers and the ruled. The drafting of any laws relating to political law is an exercise in political codification. There are two types of political codification: one respects, protects and codifies the political rights of ordinary citizens, while the other stresses, shelters and codifies the political rights of the elite and ruling classes.

And what exactly are political rights? Political rights refer to the natural basic political rights of human beings enshrined in detail in the Universal Declaration of Human Rights.<sup>3</sup> These include the rights to freedom of assembly, freedom of expression, and participation in elections. Rights that go beyond these are the non-basic rights associated with special privilege—for instance, the privileges of rule enjoyed by an individual or group as an indirect consequence of their ruling over others. The greatest difference between rulership privileges and basic rights is that the privileges of rule are not necessities of survival, and that the exercise of these privileges is inevitably detrimental to the basic political rights of others.

Article 105, on its surface, protects the nation's political order and affirms the socialist system and Communist leadership; its primary purpose is to protect the special political or rulership privileges of the minority ruling class, because so-called political parties are nothing more than fabricated organizations that cannot fulfill the obligations of ultimate privilege; the ultimate benefit and responsibility lies with the actual principal. This kind of legal protection of the elite inevitably infringes on the basic political rights of ordinary citizens.

John Rawls<sup>4</sup> observes in *A Theory of Justice* that justice is the primary moral requirement of a social system, just as truth is the primary moral requirement of any system of thought. In Greek and Latin, the term "justice" encompasses the concepts of rectitude, altruism, fairness and equality. From the standpoint of justice, laws that protect the special privileges of the elite class run counter to the values that actualize justice. For that reason, when categorizing in terms of justice, the first kind of political codification produces just laws, while the second type produces unjust laws, of which Article 105 is an example.

Just law protects the basic human rights of every person, including those basic rights that strive to correct shortfalls in social welfare goals. If a system of law promotes the protection of a country's basic political order while at the same time violating and infringing the inherent or legally bestowed rights of ordinary citizens, that jurisprudence violates the basic merits intended by law. The value of laws relating to subversion and incitement should likewise lie in their protection of the basic human rights and freedoms of the majority of law-abiding citizens.

## In free and democratic societies, laws that protect civil rights are consistent with those that protect political order.

In free and democratic societies, laws that protect civil rights are consistent with those that protect political order. In autocratic countries lacking political democracy, however, any law that protects the existing political order by its very nature violates the intended merits of law. Protection of a country's basic political order becomes nothing more than a smoke screen for protecting the privileges of the elite class, and



Internet activist Huang Qi, sentenced to five years in prison for subversion. Photo: AP Wide World Photos

behind this smoke screen lie the imprisoned souls of all too many ordinary people who have striven for freedom and equality.

The U.S. Declaration of Independence proclaims, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." Clearly, the Declaration of Independence is a talisman protecting the freedom and equality of ordinary citizens. It goes on to emphasize, "Whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government."

In contrast to the American Declaration of Independence, China's subversion law ultimately poses through its legal values a serious infringement of social justice, human rights and freedom in the name of protecting some abstract socialist system. The actualization and aspiration of Article 105 is an unjust legal value, making it an evil law. We have to admit that any country, even a democratic country with the most exceptional human rights charter, will under certain historical circumstances have difficulty guaranteeing that each and every administration of justice will protect the moral standards sought by its laws. There will be individual cases in which human rights are sacrificed. Nevertheless, it must be said that the existence of evil laws is more serious and regrettable than evil execution of laws.

### Laws that infringe human rights while protecting the ruling class

Judging from the professed intention of state security laws, democratic countries use them to protect the basic political stability of democracy and freedom by impeding communist movements and violent revolutions, while autocratic countries use them to protect the political stability of the elite class and suppress speech or actions that promote democracy and freedom.

How can we measure whether a legal provision is protecting legitimate national interests and not infringing human rights? First, we must see whether the right to execute that law is controlled by democratic participation on the part of the entire citizenry, or whether it is controlled by a relatively stable ruling class. Secondly, we must see if the law targets the protection of the special privileges of a minority or the basic human rights of the majority. When a law is controlled by a ruling class and imposes excessively harsh restrictions on speech and other freedoms in the name of protecting national interests, that law infringes on human rights.

China's Constitution stipulates that China is a "democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat." This indicates the country's basic nature and political structure. But in actuality, China's political structure is not a dictatorship of the proletariat, but rather a dictatorship of the Party. China's workers and peasants have been relegated to

the very lowest rung of the ruled classes, and China's ruling party has become the antithesis of dictatorship of the proletariat.

Not only is the Communist Party no longer the vanguard of the working class, it has actually become the backer of the bureaucratic capitalist class, and the power of the alliance of workers and peasants has been seized by the alliance of the bureaucrats and capitalists. China's state-owned economy has been swallowed up wholesale by the management class, and 70 percent of the National People's Congress is made up of bureaucrats and Communist Party members, with bureaucrats and wealthy capitalists dominating the local assemblies. Under this ruling structure, the law has quite naturally become an instrument to protect the special privileges of an elite minority; it is no longer the guardian angel of equality and freedom, but rather the slave and watchdog of the ruling party, a law that protects the privileges of the ruling class at the expense of human rights.<sup>5</sup>

At this point, it is necessary to bring up one term, which is "reactionary." In the history of the Communist revolution, a government that infringes human rights and suppresses democracy and freedom is typically referred to as "reactionary." The original meaning of "reactionary" refers to governments that use power to stifle dissent and suppress freedom for the sake of protecting the privileges enjoyed by a small ruling minority – in effect, behavior that works contrary to human rights. Historically, Marxist ideology considers slave societies, feudal societies and even capitalist societies to be "reactionary." In fact, for the ruling class to preserve its status in a class society by nipping any resistance in the bud is completely reasonable from the standpoint of that ruling class, but from the standpoint of Marxist ideology, this is extremely reactionary behavior.<sup>6</sup>

In today's China, laws such as Article 105 of the Criminal Law are essentially the same as laws during the Nationalist era. If Marx were still alive, he would undoubtedly view laws such as these, which are used by the ruling class to brutally suppress democracy and freedom, as reactionary laws.

## The law has become the slave and watchdog of the ruling party

"Reactionary" is a term used routinely in Communist revolutionary discourse. Historically, any government or individual labeled as a reactionary automatically becomes a target of overthrow, and the main reason that violent revolution came about was because the ruling class was too reactionary. In contrast to this historical background, the term "reactionary" is seldom used in present-day China. The reason is obvious: China's leaders don't want opposition forces to use this term against them and turn them into the next ruling class to be overthrown.

It is fair to say that "reactionary" is a political expression, and the legal definition of "reactionary" is any "anti-human rights behavior" by a ruling organization to unlawfully limit or suppress the public's lawful freedoms of speech, press, assembly, association, religious belief and other such basic human

rights. The way to measure whether a country's criminal system is set up to protect human rights or to infringe on them relies on two standards: 1) whether the law violates the basic principles of criminal law, or 2) whether enforcing the law compromises the basic human rights of ordinary citizens.

### How Article 105 violates human rights

Violating the principle that there is "no crime without a law."<sup>7</sup> The law stipulates that a crime has been committed when four important conditions have been met: subject, subjective aspect, object and objective aspect. The principle of "no crime without a law" requires that the object of a crime must be clearly defined without any ambiguity whatsoever. According to Article 105, the crime of endangering state security includes subverting state power and overthrowing the socialist system. The second object of this crime—the socialist system—is not clearly defined as an object of crime. Therefore, Article 105 clearly violates the principle of "no crime without a law."

The socialist system is a political concept that forms a branch of political thought and opinion. Like most ideologies, it belongs to the realm of thought. The criminalization of opposition to an ideology or teaching is a relic of feudalism, and in particular, of theocracy. At the same time, the socialist system as a concept has no clear objective or strict legal meaning. The socialist system refers to the socialist economic system, political system and legal system. The Constitution is a programmatic document that enshrines socialism as the state system. The transformations of the Chinese Constitution make it clear that the "socialist system" has always been an evolving concept.

The 1954 PRC Constitution stipulated that the socialist economic system would develop as follows: "The People's Republic of China, by relying on the organs of state and the social forces, and by means of socialist industrialization and socialist transformation, ensures the gradual abolition of systems of exploitation and the building of a socialist society" (Art. 4).

The 1975 constitution declared: "The state may allow non-agricultural individual laborers to engage in individual labor involving no exploitation of others... At the same time, these individual laborers should be guided onto the road of socialist collectivization step by step" (Art. 5). No one can deny that from that point on, the system of private ownership gradually began to erode the socialist system. But the socialist system that existed in those days abolished the system of private ownership and even the right of the people to inherit property.

The 1988 amendment to the Constitution included a new paragraph in Article 11 stating that "the state permits the private sector of the economy to exist and develop within the limits prescribed by law."<sup>8</sup> There is no doubt that this amendment significantly reformed the previous socialist system and was based on a negation of the previous definition of socialism.

The leaders of China's ruling party also have a fuzzy understanding of "socialism." Deng Xiaoping wrote this in Volume 3 of his selected works:

The realization of socialism and communism was the lofty ideal we Marxists set for ourselves during the revolutionary



**Student Liu Di, arrested on charges of subversion after posting essays on the Internet. Photo: AFP/Getty Images**

years. Now that we are trying to reform the economy, we shall continue to keep to the socialist road and to uphold the ideal of communism. This is something our younger generation in particular must understand. But the problem is: what is socialism and how is it to be built? The most important lesson we have learned, among a great many others, is that we must be clear about those questions.<sup>9</sup>

Deng Xiaoping believed that the first priority of socialism was the development of productivity rather than communism or privatization. Thanks to this progress in Deng's thinking, under current Chinese political theory, public ownership of the means of production is no longer a goal of socialism, but rather a means and process, and the objective of the primary stage of socialism is common prosperity for the nation's citizens.

In 1989, Peng Zhen, then the secretary of the Political and Legal Affairs Commission of the CCP's Central Committee, gave a speech at a Politburo meeting in which he said that the essence of Marxist-Leninist-Maoist thought was criticism and revolution, and that the essence of socialism was continuous reform, development and improvement.

It is clear that the socialist system is not a term with a definite political meaning, but rather an ideology; nor is it a term with a legal meaning. Therefore, including "socialist system" in the Criminal Law as the object of a crime is a violation of the principle that there is "no crime without a law."

How can an object that lacks a definite meaning be the victim of a crime? Criminal Law requires that a punishable crime must have an object that does not keep changing, but China's "socialist system" has changed continually under pressure from China and abroad. If the law is forced to protect an object

that keeps moving and changing its appearance, the law has effectively lost its statutory quality and becomes an instrument of rule by man. The object that criminal law should protect is the human rights and interests of citizens and society, which are stable and inalienable, rather than a constantly evolving abstract ideological system. Under the present system, law enforcers can very easily frame a person by finding a convenient proof that something has said or done constitutes a crime against socialism.

#### Violation of the principle against "thought crime"

In Chapter 12 of *The Spirit of the Laws*, Montesquieu wrote, "Words do not constitute a crime; they remain only an idea."<sup>10</sup> When citizens make comments on the government in speech or writing, they are exercising a legal and constitutionally protected right even if what they say or write is caustic and agitating. As long as they do not commit illegal acts of violence, citizens cannot be charged with a crime for what they say or write. The socialist system is a hypothetical ideology that belongs to the realm of the mind. Ideological or intellectual contradictions and struggles certainly should be nonviolent. Human beings need to express their thoughts, and restricting people's freedom to express these thoughts even if it's only those that convey dissatisfaction, is cruel and inhuman. Both praise and criticism are legitimate forms of expression, and making a crime of either is clearly an infringement of human rights. Even a hostile thought with subversive overtones is still just a thought, and if such a thought actually results in an overthrow, it has to be said that the overthrown object lacks stability or even legal validity. In any event, the expression of peaceful, nonviolent thoughts is a legitimate means by which citizens can actualize their lawful rights.

As it is, most Chinese citizens already lack freedom of expression through publication, because no publications allowed by the government have freedom of speech. Under these circumstances, the Internet has become the most widely used medium to express a variety of political views. But even though this activity will certainly trigger no acts of violence, it is subject to charges of subversion and incitement to overthrow the government. The law holds that if subversive speech is to be punished, it must and can only be punished after such speech has resulted in subversive action. In other words, speech that is subversive and incites can only result in a conviction if it actually results in an attempt to overthrow or subvert. Nevertheless, the judicial organs have violated this fundamental principle by convicting and imprisoning many people on charges of subversion and incitement to overthrow the government when they have done nothing more than speak up for civil rights and freedom.<sup>11</sup> This is an affront to the dignity of the entire civilized world.

#### Violation of the principle of no imprisonment without trial.

In judicial practice, Article 105 of the Criminal Law cannot meet the principal requirement of the judicial organs, namely to defend the interests of the ruling party. A great many things citizens say and write cannot really be ruled criminal offenses

by courts of law. That is why, in practice, many people are jailed instead of being brought to trial, or punished before they are brought to trial.<sup>12</sup>

### Revolt versus reform

The concepts of overthrowing socialism and reforming socialism have much in common, but also many differences. First of all, overthrowing the socialist system has been defined as a crime, but reforming the socialist system is considered positive social progress. Secondly, the overthrow of the socialist system is initiated by the ruled class, while reform of the socialist system is often carried out by the ruling class through meetings of the politburo or legislature. Thirdly, the acts that can actually lead to the overthrow of the socialist system are not those defined as crimes by Article 105, but rather those based on the central government policies of the ruling party. In China's history, the Chinese Communist Party and its leadership are in fact the only group that has managed to overthrow socialism.<sup>13</sup> Indeed, Article 105 is most applicable whenever Party representatives announce a new policy at a Party congress. That is to say, every time the National Representative Conference of the CCP revises the socialist system, it is effectively overthrowing the socialist system. From the historical and international perspective, it's dumfounding that the professed guardians of a country's fundamental system are constantly engaged in overthrowing this system.

The preamble to the latest Constitution of the People's Republic of China (1982) declares that after the founding of the PRC, "The socialist transformation of the private ownership of the means of production was completed, the system of exploitation of man by man eliminated and the socialist system established. The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat, has been consolidated and developed." It can be seen that the elimination of exploitation of man by man is the benchmark for the existence of the socialist system, and that the socialist economy is the principal element of the socialist system.

Yet after 20 years of reform, there is no doubt that the leadership of the CCP and managers of China's economy are the biggest critics and negators of this preamble. The class that holds genuine dictatorial power has fundamentally transformed China's economic system. As China's economy has developed, the private sector has become increasingly dominant and the public sector less and less important. The workers and peasants who are supposed to lead the dictatorship of the proletariat now form the mass of the unemployed and the throngs of powerless petitioners who unsuccessfully appeal to the authorities for help. Needless to say, these people are not the ruling class, for they lack even the most fundamental guarantee of subsistence.

Although the reforms are a negation of the socialist system, they have certainly been a force for China's development. The past 20-odd years of reform and opening up to the world have proven that China must not confine its development to any single system or ideology. As long as it helps make the country rich and strong, any system can be changed.

Our current economic system is definitely no longer socialism. As for the political system, the ruling class remains mainly concerned with preserving its own interests and still has unrealistic illusions about a dictatorship, and as a result, political reform has stagnated. This situation of economic reform without political reform has prevented the nation from growing stronger and progressing as quickly as it could have. The resulting lopsided reform has brought economic growth accompanied by increasing income disparity and class polarization. Sad to say, economic reform without political reform does not contribute to the nation's welfare, but rather leads to unrest and instability.

Everyone bears responsibility for a nation's rise and fall. Because there is often little hope that the ruling class will introduce sound reforms of its own accord, ordinary citizens concerned about their country's future sometimes publish their own proposals for reform. Any patriotic citizen would consider this a very reasonable and positive thing to do, and punishing such conduct as criminal behavior is not only a violation of human rights, but also unwise.

At bottom, the law seeks to guarantee social justice. The only laws that will advance social harmony are those that are made and enforced not for material gain and personal advancement, but for the advancement of justice. I believe that both in terms of legislation and law enforcement, Article 105 of the Criminal Law has unjust tendencies. In order to genuinely bring about social harmony and dissolve social contradictions, to enable every citizen to exercise his rights without fear, to make the government more responsive to public scrutiny and readier to accept good advice, and to promote better and more effective governance, Article 105 must be revised.

**The past 20 years have proven that China must not confine its development to any single system or ideology.**

John Rawls wrote in *A Theory of Justice*: "[L]aws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override." Therefore, every Chinese government official who truly loves China must consider repealing or revising this cruel law, which violates human rights and is an affront to human dignity. Progress in China's human rights and the trends in human rights worldwide demand no less.

Translated by Paul Frank and Stacy Mosher

1. Author's note: Article 105 states, "Ringleaders involved in organizing, scheming or acting to subvert the political power of the state and overthrow the socialist system, and others involved whose crimes are grave, are to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; active participants are to be sentenced to not less than three years and not more than ten years of

- fixed-term imprisonment; other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights. Whoever carries out incitement to subvert the political power of the state and overthrow the socialist system by spreading rumors, slander or other means is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; the ringleaders and others whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.”
2. Translator’s note: Charles Louis Montesquieu (1689–1755), one of the great political philosophers of the Enlightenment, held that the key difference between republican government, monarchy and despotism is in the role laws play in the system of rule. He determined that there are three kinds of laws: the law of nations, relating to the relations between countries; political law, which applies to the relations between government and the governed; and civil law, which regulates the relations among citizens.
  3. Translator’s note: See United Nations, “Universal Declaration of Human Rights,” <http://www.un.org/Overview/rights.html>.
  4. Translator’s note: John Borden Rawls (1921–2002), a professor of political philosophy at Harvard University, published *A Theory of Justice* in 1971. The book proposes an alternative to utilitarianism (which allows the rights of some to be sacrificed for the greater benefit of others for the sake of increasing the total happiness) through Rawls’ moral theory of “Justice as Fairness,” and his two famous principles of justice, the liberty principle and the difference principle. Rawls posits that a just social contract is that which any person would agree to without knowing in advance which position in the contract he himself would occupy. Under the first principle of justice, each person would have access to the most extensive rights and freedoms that can be accorded equally to everyone, including freedom of speech, conscience and peaceful assembly as well as democratic rights. Under the second principle of justice, Rawls held that economic and social inequalities are only justified if they benefit all of society, especially its most disadvantaged members, and that all economically and socially privileged positions must be open to all people equally.
  5. Author’s note: See for example the cases of Yao Fuxin (b. 1950) and Xiao Yunliang (b. 1945), residents of Liaoyang, who were arrested in March 2002 after organizing thousands of workers in protests against alleged corruption and other abuses at the bankrupt Liaoyang Ferro-Alloy Factory. On May 9, 2003, Yao and Xiao were sentenced to imprisonment for seven and four years respectively on charges of incitement to subvert state power.
  6. Translator’s note: In Marxist ideology, a conservative response to change, or reciprocal action to revolutionary movement, is defined as reactionary. In Marxism, reactionaries are those who attempt to clamp down on, remove, silence or segregate the differences of the emerging productive forces in society in order to maintain the stability of the established order. See Encyclopedia of Marxism, <http://www.marxists.org/glossary/terms/r/e.htm>.
  7. Translator’s note: The principle of “*nullum crimen sine lege*” states that where no law prohibits certain conduct, such conduct cannot be characterized as a crime after its occurrence, nor can it be a crime unless so defined by law. This principle ensures that citizens are not only protected by the law but also from the law and cannot be punished arbitrarily.
  8. Translator’s note: The full paragraph reads: “The state permits the private sector of the economy to exist and develop within the limits prescribed by law. The private sector of the economy is a complement to the socialist public economy. The state protects the lawful rights and interests of the private sector of the economy, and exercises guidance, supervision and control over the private sector of the economy.”
  9. Translator’s note: Deng Xiaoping, “We Shall Expand Political Democracy and Carry Out Economic Reform,” *Selected Works of Deng Xiaoping*, Vol. 3 (1982–1992), <http://english.peopledaily.com.cn/dengxp/vol3/text/c1370.html>.
  10. Translator’s note: “Les paroles ne forment point un corps de délit; elles ne restent que dans l’idée.” See Montesquieu, *De l’esprit des lois*, (Paris: Éditions Gallimard, 1995), [http://www.uqac.quebec.ca/zone30/Classiques\\_des\\_sciences\\_sociales/classiques/montesquieu/de\\_esprit\\_des\\_lois/de\\_esprit\\_des\\_lois\\_tdm.html](http://www.uqac.quebec.ca/zone30/Classiques_des_sciences_sociales/classiques/montesquieu/de_esprit_des_lois/de_esprit_des_lois_tdm.html).
  11. Author’s note: One example is Huang Qi, born in 1963, a native of Chengdu, Sichuan Province. Huang Qi and his wife, Zeng Li, established China’s first Web site to help locate missing people, and on June 4 of that year initiated their “Tianwang” Web site. On June 3, 2000, Huang and Zeng were detained, and on June 5, Huang Qi was formally arrested on charges of language endangering state security (Zeng Li was released on June 6). Wang Qi was formally charged with incitement to subvert state power on July 12, 2000. On May 9, 2003, without notifying Huang’s family, the Chengdu Intermediate Court put Huang Qi on trial in camera, and sentenced him to 5 years in prison and one year’s subsequent deprivation of political rights. Huang Qi appealed to the Sichuan Provincial People’s High Court on May 18, 2003, but the verdict and sentence were upheld.
  12. Author’s note: One example is Sang Jiancheng, born in 1942, a native of Shanghai. A retired worker, Sang participated in the 1979 democracy movement. In early November, 2002, just before the 16th Session of the National People’s Congress, Sang was one of 192 dissidents who signed an open letter directing six requests to the NPC, including a reexamination of June 4th and democratic elections. On November 10, 2002, Sang was detained, and on December 18 he was charged with incitement to subvert state power. After being held in detention for nearly seven months, Sang was indicted on June 5, 2003, on charges of incitement to subvert state power, and was sentenced to three years in prison.  
Another example is that of Liu Di, born in 1980, a student at Beijing Normal University who posted articles on the Internet under the pen name “Stainless Steel Mouse.” Liu was detained on November 7, 2002 (just before the new NPC session began), and on December 15, 2002 was arrested on charges of endangering state security. Liu was eventually released on bail on November 28, 2003, after more than a year in detention.
  13. Author’s note: During his famous “Southern Tour” in 1992, Deng Xiaoping reportedly said, “Problems can only come from within the Party.”